

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1)PINNACLE PACKAGING COMPANY,)
INC., an Oklahoma corporation,)
2) POLO ROAD LEASING, LLC, an Okla-)
homa limited liability company, and)
3) J. SCOTT DICKMAN,)
)
Plaintiffs,)
)
s.)
)
4) ONE EQUITY PARTNERS LLC, a)
Delaware limited liability company, and)
5) CONSTANTIA FLEXIBLES GmbH, an)
Austrian corporation,)
)
Defendants.)

Case No. 12-CV-537-JED-TLW

**OBJECTION OF PLAINTIFFS TO DEFENDANTS ONE EQUITY PARTNERS LLC,
ONE EQUITY PARTNERS (EUROPE) GmbH, AND CONSTANTIA FLEXIBLES
GmbH's MOTION FOR ORAL ARGUMENT ON MOTION TO DISMISS**

Plaintiffs, Pinnacle Packaging Company, Inc., Polo Road Leasing, LLC, and J. Scott Dickman, object to *Defendants One Equity Partners LLC, One Equity Partners (Europe) GmbH, and Constantia Flexibles GmbH's Motion for Oral Argument on Motion to Dismiss* [DKT 64] (the "Motion"). In support of this objection, Plaintiffs state:

1. The Motion recites, "Counsel for Defendants has conferred with counsel for Plaintiffs, and Plaintiffs have no objection to this Motion." In fact, Plaintiffs' counsel was consulted solely on whether there would be an objection to oral argument, and indicated no objection would be made.

2. The Motion recites in paragraphs 3, 4, and 5 the following:

3. As demonstrated by the Amended Complaint, and the extensive briefing and exhibits related to Defendants' Motion to Dismiss, the alleged facts are confusing and contradictory.

4. The attorneys in the case have knowledge of the alleged facts and the legal theories in dispute that exceed the depth and breadth that could be reasonably discussed even in the oversized briefs filed with the Court.

5. Oral argument will enable the Court to question the attorneys regarding these issues and discuss the important legal and constitutional issues presented in this case, and thereby materially assist the Court in deciding these issues.

This content of the Motion was never discussed with Plaintiffs' counsel who vigorously objects to each of the alleged facts and arguments made in these paragraphs. The alleged facts in the Amended Complaint are not "confusing and contradictory," rather, Defendants make this argument and it is refuted in Plaintiffs' response to the pending motion to dismiss [DKT 57]. Further, Plaintiffs do not concede that the Defendants' attorneys have complete and sufficient "knowledge of the alleged facts and the legal theories in dispute," and Plaintiffs believe that with the exception of the additional facts and arguments that necessitate the proposed requested surreply brief [DKT 63],¹ the issues have been reasonably discussed. Plaintiffs concede that oral argument will enable the Court to question the attorneys, but such questioning is not essential for the Court's understanding of the facts and issues in the outstanding Motion to Dismiss.

WHEREFORE, the Plaintiffs make this objection so that the record is clear that Plaintiffs object to paragraphs 3, 4, and 5 of the Motion, and they leave to the Court the determination for the necessity for oral argument.

¹ Consistent with Plaintiffs' request for a surreply brief, this objection was prepared today from London, Great Britain.

s/Laurence L. Pinkerton

Laurence L. Pinkerton, OBA #7168
Pinkerton & Finn, P.C.
Penthouse Suite
15 East 5th Street

Tulsa, OK 74103-4303

Tele: 918-587-1800

Fax: 918-582-2900

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2013, I electronically transmitted the foregoing pleading, to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

John D. Russell, Esq.
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS
321 S. Boston Ave., Suite 800
Tulsa, Oklahoma 74103-3318

Gabrielle Gould, Esq.
Cheryl Howard, Esq.
FRESHFIELDS BRUCKHAUS DERINGER US LLP
601 Lexington Ave., 31st Floor
New York, NY 10022

/s/ Laurence L. Pinkerton